

1
2 JS-6
3
4
5
6
7
8

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9
10 Travel Assets Inc., d.b.a. Smokebuddy,
11 a California Corporation, and Gregg
12 Gorski, an individual,
13
14 Plaintiffs,

15
16 v.
17 American Distributors LLC,
18 an Illinois Limited Liability Company,
19
20 Defendant.

Case No. 2:22-cv-06810-SPG-MAA

**ORDER GRANTING
STIPULATED PERMANENT
INJUNCTION**

16
17 This matter comes before the Court on Plaintiffs Travel Assets Inc., d.b.a.
18 Smokebuddy, and Gregg Gorski (collectively, "Plaintiffs") and Defendant American
19 Distributors, LLC's ("Defendant") (collectively, the "Parties") Application for entry
20 of the Stipulated Permanent Injunction attached hereto.

The Court, having considered the Parties' Application for entry of the Stipulated Permanent Injunction and finding good cause therefor, hereby GRANTS the Application and ORDERS as follows:

4 1. The Stipulated Permanent Injunction, as attached and modified to reflect
5 that the Court does not retain jurisdiction indefinitely, is hereby made the
6 order of this Court.

IT IS SO ORDERED.

Date: May 31, 2023


HON. SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

1 R. Joseph Trojan, CA Bar No. 137,067
trojan@trojanlawoffices.com
2 Dylan C. Dang, CA Bar No. 223,455
dang@trojanlawoffices.com
3 TROJAN LAW OFFICES
9250 Wilshire Blvd., Suite 325
4 Beverly Hills, CA 90212
Telephone: (310) 777-8399
5 Facsimile: (310) 777-8348

6 Attorneys for Plaintiffs
Travel Assets Inc., d.b.a. Smokebuddy
7 and Gregg Gorski

8 Michaela Battista Sozio, Esq., SBN 179148
msozio@tresslerllp.com
9 TRESSLER LLP
6100 Center Drive, Suite 1175
10 Los Angeles, California 90045
Telephone: (310) 203-4800
11 Fax: (323) 486-2704

12 Attorneys for Defendant
American Distributors, LLC

13 Raymond J. Sanguinetti, Esq. (Admitted *Pro Hac Vice*)
14 rsanguinetti@rathjewoodward.com
Rathje Woodward LLC
15 300 E. Roosevelt Road, Suite 300
Wheaton, IL 60187
16 Telephone: 630-668-8500
Facsimile: 630-668-9218

17 Attorneys for Defendant
18 American Distributors, LLC

19
20

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Travel Assets Inc., d.b.a. Smokebuddy, a California Corporation, and Gregg Gorski, an individual,

Case No. 2:22-cv-06810-SPG-MAA

STIPULATED PERMANENT INJUNCTION

Plaintiffs,

V.

American Distributors LLC,
an Illinois Limited Liability Company,

Defendant.

WHEREAS, Plaintiffs Travel Assets Inc., d.b.a. Smokebuddy, and Gregg Gorski (collectively, “Plaintiffs”) brought this action against Defendant American Distributors, LLC (“Defendant”) (collectively, the “Parties”) pursuant to the Complaint filed on September 21, 2022, wherein Plaintiff has asserted certain claims and Defendant has denied liability for such claims;

WHEREAS, Plaintiffs and Defendant have entered into a settlement agreement to resolve this action, and as part of that agreement, without any admission of liability and solely for purposes of settlement they stipulate and consent to a permanent injunction as set forth herein:

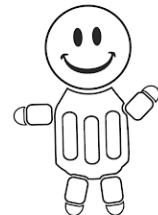
For the purposes of this permanent injunction, the following definitions shall apply:

a. The term "Asserted Trademarks" means the marks "SMOKE BUDDY" and "smokebuddy" as set forth in U.S. Trademark Registration Nos. 3,850,687 and 5,819,872;

b. The term "Asserted Trade Dress" means the trade dress embodied in U.S. Trademark Registration Nos. 5,828,631 and 6,145,526;

c. The term “Smokebuddy Air Filter” means the three-dimensional configuration of a distinctive smoke filter embodied in Trademark Registration No. 6,145,526, as well as valid and protectable common law trade dress rights in a distinctive smoke filter;

d. The term "Smokebuddy Character" means the character embodied in Trademark Registration No. 5,828,631 as follows:



e. The term "Smokebuddy Keychain" means the three-dimensional keychain figure based on the Smokebuddy Character as described in Plaintiffs' Complaint;

f. The term "Asserted Trademark Rights" means all rights individually and collectively asserted in paragraphs a-e above.

g. The term "Accused Products" means all products sold by Defendant bearing the "SMOQ BUDDY" product name and/or having the Smokebuddy tradedress as defined in b-d above.

NOW, THEREFORE, it is accordingly stipulated that:

1. The Court has jurisdiction over this action;
2. Defendant, by and through its undersigned counsel, consents and agrees to a permanent injunction against Defendant, all of its agents, servants, and employees, and all persons in active concert or participation or in privity with any of them and agrees to be bound by the following terms:

PERMANENT INJUNCTION

1. Effective as of April 17, 2023, Defendant, any affiliated companies, and all of its officers, directors, agents, servants, employees, and such other persons who are in active concert or participation, or in privity with any of them:

(a) Shall be permanently restrained and enjoined from infringing the Asserted Trademark Rights, by any means, by making, having made, publicly displaying, advertising, having advertised, marketing, having marketed, offering for sale, having offered for sale, or selling any Accused Products or any products using the name SMOQ BUDDY or

1 any mark, name, symbol, or logo confusingly similar to or otherwise
2 likely to cause confusion, mistake, or deception with Plaintiffs'
3 Asserted Trademarks;

4 (b) Shall be permanently restrained and enjoined from making,
5 having made, publicly displaying, advertising, having advertised,
6 marketing, having marketed, offering for sale, having offered for sale,
7 or selling any products using any trade dress confusingly similar to or
8 otherwise likely to cause confusion, mistake, or deception with
9 Plaintiffs' Asserted Trade Dress;

10 (d) Shall be permanently restrained and enjoined from making,
11 having made, publicly displaying, advertising, having advertised,
12 marketing, having marketed, offering for sale, having offered for sale,
13 or selling any products having a shape or configuration confusingly
14 similar to or otherwise likely to cause confusion, mistake, or deception
15 with Plaintiffs' Smokebuddy Air Filter;

16 (e) Shall be permanently restrained and enjoined from making,
17 having made, publicly displaying, advertising, having advertised,
18 marketing, having marketed, offering for sale, having offered for sale,
19 or selling any products in association with a character confusingly

1 similar to or otherwise likely to cause confusion, mistake, or deception
2 with Plaintiffs' Asserted Smokebuddy Character;

3 (f) Shall be permanently restrained and enjoined from making,
4 having made, publicly displaying, advertising, having advertised,
5 marketing, having marketed, offering for sale, having offered for sale,
6 or selling any products in association with a figure confusingly similar
7 to or otherwise likely to cause confusion, mistake, or deception with
8 Plaintiffs' Asserted Smokebuddy Keychain;

9 (g) Shall be permanently restrained and enjoined from representing that
10 Defendant or any of its products are in any way sponsored by, affiliated with,
11 associated with, or endorsed or licensed by Plaintiffs;

12 2. This case is dismissed with prejudice.

13 3. Defendant irrevocably and fully waives any and all right to appeal the
14 permanent injunction, to have it vacated or set aside, or otherwise to attack in any
15 way, directly or collaterally, its validity or enforceability.

16 4. Defendant acknowledges that it has read this stipulation and permanent
17 injunction and has had it explained by counsel of its choosing, and fully
18 understands it and agrees to be bound thereby, and will not deny the truth or
19 accuracy of any term or provision herein.

1 Good cause appearing, it is hereby requested that the Court enter this Stipulated
2 Permanent Injunction as recited here.

3
4

5 Respectfully Submitted,

6 TROJAN LAW OFFICES

7 DATED: May 16, 2023 By: /s/ R. Joseph Trojan
8 R. Joseph Trojan (137,067)
Dylan C. Dang (223,455)
9 Attorneys for Plaintiffs
Travel Assets Inc., d.b.a.
10 Smokebuddy and Gregg Gorski

11

12 DATED: May 16, 2023 TRESSLER LLP
13 By: /s/ Michaela Battista Sozio
14 Michaela Battista Sozio
15 Attorneys for Defendant
American Distributors LLC

16

17 DATED: May 16, 2023 RATHJE WOODWARD
18 By: /s/Raymond Sanguinetti
19 Raymond Sanguinetti
20 Attorneys for Defendant
American Distributors LLC